



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.16852 of 2025 (O&M)
Reserved on :24.09.2025
Pronounced on: 26.09.2025.**

Ameer Chand @ Laddi @ Amir Chand

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by:Mr. Varinder Arora, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, the FIR No.19 dated 27.01.2024, has been lodged in Police Station Garhshankar, District Hoshiarpur. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for the benefit of bail. This is the second petition for anticipatory bail filed by the petitioner under Section 482 of BNSS.

2. Briefly stating the facts emerging from record are that the FIR of this case, with regard to chance recovery of contraband, came into being on the basis of information slips submitted by ASI Rashpal Singh. It was reported by the above named police officer that when a police party headed by him was on patrolling duty on the road leading from village Bhajjlan to village Rampur



Bilro, it is spotted a biker dirt-track on (unmetalled road). According to above named police official, when the above said boy noticed the presence of police party he got nervous and hastily tried to rush towards the main road but in the above mentioned endeavour, his motorcycle got stuck and did not start.

3. It is the case of the prosecution that on the basis of suspicion when the abovesaid person was intercepted and search of his person was conducted, it was found that he was carrying 16 loose intoxicant injections i.e. Buprenorphine injection I.P. According to prosecution on recovery of above said injections, which were without permit or licence, the information memo was prepared which led to registration of FIR. Thus, the petitioner has been prosecuted under Section 22-61-85 of NDPS, Act.

4. Heard.

5. It has been argued by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been falsely implicated in the present case. The learned counsel for the petitioner has further argued that otherwise also the total quantity of contraband recovered from the possession of the accused do not fall in the category of commercial quantity and that otherwise also in view of the fact that the petitioner has already suffered long incarceration for a period of almost 1 year and 8 months, the petitioner is entitled for the benefit of bail. With regard to former bail petition it has been argued by learned counsel for the petitioner, that the above mentioned petition was firstly, not decided on merits and secondly, no progress in the trial is taking place and, therefore, the personal life and liberty of the petitioner has been curtailed without any



justification. As per learned counsel for the petitioner the instant case is a fit case wherein benefit of bail should be accorded to the petitioner.

6. In support of his argument, learned counsel for the petitioner has referred to the order dated 16.10.2023, passed by this Court in the case of **Mahesh @ Manish Vs. State of Haryana, rendered in CRM-M No.59377-2022, decided on 16.10.2023.** It has been pointedly argued by learned counsel for the petitioner, qua the observations made in the above mentioned case, that it has been observed in the above mentioned case that an individual for his long term medical use can possess 100 units of Buprenorphine injection without any licence.

7. In addition to above, learned counsel for the petitioner has also referred to the observations made by the Division Bench of this Court in the case of **Saleem Mohd Vs. State of Punjab, rendered in CRM-M-5207-2014, decided on 04.11.2015** and Single bench in the case of **Rajvir Singh @ Raju Vs. State of Punjab, rendered in CRM-M-35080-2018, decided on 21.08.2018.**

8. Per contra, the learned State counsel has argued that the quantity recovered from the possession of petitioner is a commercial quantity and that former petition for bail, filed by the petitioner, was dismissed in December 2024 only and thereafter much time has not elapsed to claim that trial is not progressing at a requisite pace. It has also been argued by learned counsel for the petitioner that the quantity of contraband recovered from the possession of petitioner being a commercial quantity, the rigors of Section 37 are applicable in the present case and, therefore, without satisfying the twin conditions,



prescribed under the aforesaid provision, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. In the present case, at the very outset, it is pertinent to mention here that the thrust of the argument of learned counsel for the petitioner has been on the observations made by this Court in the case of **Mahesh @ Manish (supra)** wherein it has been observed that without licence an individual can be in possession of 100 units of Buprenorphine injection. With regard to above mentioned argument it is relevant to mention here that the contents of order in **Mahesh @ Manish (supra)** itself makes it abundantly clear that Rule 66 provides the possession of Buprenorphine injection for personal medical use. In the present case, there is no such plea of the petitioner that he was in possession of abovementioned injection for his medical use. In fact, the plea raised by the petitioner is that he has been wrongly framed in the present case. Thus, in my opinion, unless it is proved by the petitioner that he was in use of injections for personal use for medical purpose, he cannot take advantage of the observations made in the case of **Mahesh @ Manish (supra)**.

11. The another relevant fact to be noted in the present case is that in the former bail petition of the petitioner was dismissed on 09.12.2024 and thereafter much time has not elapsed to draw an inference that there is unnecessary delay in the conduct of trial. Thus, I hold that after dismissal of former bail petition, no fresh ground for grant of bail is made out in the instant petition.

12. Taking into consideration the cumulative effect of all the above

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mentioned factors, it is hereby held that the present petition, moved by the petitioner, is devoid of merits and deserve dismissal. The same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on: 26.09.2025

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No